THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2524 OF 2007

DATED 13th FEBRUARY, 2007

Between

Kunjamur Tirunarayana Iyengar

... Petitioner

AND

The Revenue Divisional Officer, Tirupati, Chittoor District and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2524 OF 2007

ORDER:

The petitioner filed the instant writ petition assailing the order, dated 09.12.2006, passed by the first respondent, whereby and whereunder the Pattadar Pass Books and Title Deeds (PPB/TD) issued to the petitioner herein were cancelled and the matter was remanded to the second respondent.

The petitioner made the following allegations in the writ affidavit. Grandfather of the petitioner purchased land admeasuring Acs.17.08 in survey Nos.112/2 and Acs.1.95 in survey No.112/1 situated at Panakam Village, known as Mulachenu Patteda from R.V.Subbaraian. These lands are allegedly covered by patta No.431. Grandfather executed a Will, dated 12.03.1984 in favour of Kunjamur Krishna Swamy Iyengar, the uncle of the petitioner, who executed a Will, dated 08.05.1995, in favour of the petitioner bequeathing the said property. The petitioner having approached the second respondent obtained patta No.218, vide proceedings, dated 09.09.1998. Aggrieved by the same, respondents 3 and 4 preferred an Appeal before the first respondent presumably under Section 5(5) of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) which was allowed and the same was remanded to the second respondent. Learned counsel for the petitioner submits that the Appeal filed purportedly under Section 5-B of the Act by respondents

after lapse of eight years against the grant of PPB by the Mandal Revenue Officer (MRO) is barred by limitation and therefore, the impugned order is unsustainable. **Opposing** the writ petition, the learned Assistant Government Pleader for Revenue (General-A) submits that as found by the first respondent, the name of the grandfather of the petitioner was interpolated in the revenue records of Panakam Village and that the MRO did not issue notice to respondents 3 and 4 nor conducted enquiry as contemplated under the Act. He also points that the petitioner has an effective alternative remedy of filing a revision petition before the Joint Collector, Chittoor.

A perusal of the impugned order would show that the first respondent considered all the contentions raised by the petitioner before him including the ground that the Appeal under Section 5-B of the Act is barred. The first respondent also found that no notice was issued to respondents 3 and 4 before issuing PPB to the petitioner and therefore, he directed the second respondent to conduct fresh enquiry after holding Grama Sabha by giving an opportunity to the petitioner. Therefore, the impugned order does not warrant any interference. If the petitioner is aggrieved by the order of the first respondent in remanding the matter to the second respondent, it is still open to him to prefer revision petition under Section 9 of the Act, in which event, the Joint Collector, Chittoor, shall consider the revision independently without reference to this order.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO,J)

13.02.2007.
pln